

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
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J.S. McCarthy Company
Augusta, Maine
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scrapper" in accordance with Title 10, section 393, subsection 1-A. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 368

H.P. 963 - L.D. 1276

An Act to Allow County Corrections Personnel to Participate in the Same Retirement Plan as Other Corrections Personnel

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain categories of state, county and local employees are eligible for a pension under special retirement plans that provide full benefits after shorter periods of service or at a younger age than under the regular retirement plan in recognition of the danger involved in their jobs and the need for a youthful, vigorous workforce to accomplish those jobs; and

Whereas, state corrections officials, county sheriffs and deputy sheriffs, local police and other public employees have special retirement benefits available to them; and

Whereas, county corrections employees perform a vital public safety function for county government which involves the risk of bodily harm and requires a youthful and vigorous workforce; and

Whereas, in order to attract and retain qualified county corrections employees, it is necessary to provide special retirement benefits immediately to county corrections employees; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §18453, sub-§2, as amended by PL 1993, c. 387, Pt. A, §21, is further amended to read:

2. Employee Special Plan #2. A retirement benefit to police officers, firefighters, sheriffs and,

full-time deputy sheriffs, county corrections employees or any other participating local district employees who have completed 20 to 25 years of creditable service, the number of years to be selected by the participating local district. For the purposes of this subsection, "county corrections employees" means employees of the county who are employed at a county jail and whose duties include contact with prisoners or juvenile detainees. The benefits ~~shall~~ must be computed as follows:

A. Except as provided in paragraph B, 1/2 of ~~his~~ the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current annual salary on the date of retirement or current final compensation, whichever is greater, and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

Sec. 2. 5 MRSA §18453, sub-§8, as amended by PL 1993, c. 387, Pt. A, §25, is further amended to read:

8. Police Officer and County Corrections Employee Special Plan #3. A retirement benefit equal to 2/3 of average final compensation to a police officer, including the chief of a police department, or county corrections employee who has completed 20 to 25 years of creditable service in that capacity, the number of years to be selected by the participating local district and who retires at any age. For the purposes of this subsection, "county corrections employee" means an employee of a county who is employed at a county jail and whose duties include contact with prisoners or juvenile detainees. The benefits ~~shall~~ must be computed as follows:

A. Except as provided under paragraph B, 2/3 of ~~his~~ the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

Sec. 3. 5 MRSA §18453, sub-§9, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

9. Sheriff, Deputy Sheriff and other county corrections employee special plan. A retirement benefit equal to 1/2 of ~~his~~ the average final compensa-

tion to a sheriff ~~or~~ deputy sheriff or county corrections employee who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55. For the purposes of this subsection, "county corrections employee" means an employee of a county who is employed at a county jail and whose duties include contact with prisoners or juvenile detainees.

Sec. 4. Report to the Legislature. The Board of Trustees of the Maine State Retirement System shall include in its report to the Joint Standing Committee on Labor in year 2001 under the Maine Revised Statutes, Title 5, section 17103, subsection 11 an update on the actions of the board and the Participating Local District Advisory Committee to make available a special retirement plan for county correctional employees like that available to sheriffs and deputy sheriffs.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 8, 2001.

CHAPTER 369

H.P. 193 - L.D. 204

An Act to Encourage the Creation of an Alliance for the Purpose of Purchasing Health Insurance

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §1951, sub-§2, as amended by PL 1997, c. 616, §1, is further amended to read:

2. Private purchasing alliance. "Private purchasing alliance" or "alliance" means a corporation licensed pursuant to this section established under Title 13-A or Title 13-B to provide health insurance to its members through ~~multiple unaffiliated~~ one or more participating carriers.

Sec. 2. 24-A MRSA §1954, sub-§2, as amended by PL 1997, c. 370, Pt. A, §§1 and 2, is further amended to read:

2. Enrollee choice. Ensure that enrollees have a choice among a reasonable number of competing carriers and types of health benefit plans ~~in accordance with the following.~~

~~A. In every portion of the alliance's service area, the alliance must offer at least 3 different carriers. When 3 participating carriers are not rea-~~

~~sonably available in some or all of the alliance's service area, the superintendent may waive this requirement in accordance with standards and procedures established by rule pursuant to this chapter.~~

Sec. 3. 24-A MRSA §2677-A, sub-§2, as enacted by PL 1999, c. 609, §14, is amended to read:

2. Benefit level. The benefit level differential between services rendered by preferred providers and nonpreferred providers may not exceed 20% of the allowable charge for the service rendered, except that the superintendent may waive this requirement for a given benefit plan. Compliance with this requirement for a given benefit plan may be demonstrated on an aggregate basis. This demonstration of compliance must be based on a reasonably anticipated mix of claims certified by a qualified actuary who is a member of the American Academy of Actuaries or a successor organization. As used in this subsection, "allowable charge" means the amount that would be payable for services under the preferred provider arrangement including deductible and coinsurance amounts.

See title page for effective date.

CHAPTER 370

H.P. 733 - L.D. 953

An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §211, sub-§3, ¶B, as enacted by PL 1969, c. 577, §1, is amended to read:

B. Require the disclosure of any documentary material ~~which that~~ would be privileged, ~~or which contains trade secret information, or which that~~ for any other reason would not be required by a subpoena duces tecum issued by a court of this State.

Sec. 2. 5 MRSA §211, sub-§§4 to 8 are enacted to read:

4. Disclosure of documentary material. Documentary material demanded pursuant to this section must be produced for inspection, reproduction and copying during normal business hours at the principal office or place of business of the person served, in the county where that person resides or has a place of business, in Kennebec County if the person served is a nonresident or has no place of business